



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

December 4, 2009

Vegetation Treatments EIS Team
P.O. Box 2965
Portland, Oregon 97208-2965

**RE: U.S. Environmental Protection Agency (EPA) review and comments for the
Vegetation Treatments Using Herbicides on Bureau of Land Management (BLM)
Lands in Oregon Draft Environmental Impact Statement (DEIS). EPA Project
Number: 08-045-BLM**

Dear Vegetation Treatments EIS Team:

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the impact statement. We have assigned a Lack of Objections (LO) rating to the DEIS. A copy of our rating system is attached.


We agree that invasive plants and noxious weeds are a serious environmental problem. Invasive plants threaten native plant communities and change fire behavior. They reduce water quality, soil productivity, wilderness characteristics, recreation values, and habitat and forage for wildlife and livestock. To limit these adverse impacts we strongly support the principles of Integrated Pest Management (IPM). IPM includes many tools - one of which is herbicides - and we support increasing the BLM's ability to select the most effective methods with the least amount of risk to non-target resources.

Due to persistent uncertainties associated with the safety and effectiveness of herbicide use and in the interest of encouraging a cautious approach we have focused our review on monitoring and adaptive management. This focus reflects EPA's July 30, 2007 comments on Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Final Programmatic EIS (PEIS). Namely, "EPA would expect regional and site specific NEPA documents to include information ensuring adequate monitoring and description of evaluation methods to determine if application rates are effective, buffers are sufficient, drift is minimized and specific goals and endpoints are being met."

In our enclosed comments we recommend that Part II of Appendix 3, "Potential Monitoring" be incorporated into all action alternatives. We also recommend that this "Potential Monitoring" be further developed and (i) establish minimum effectiveness monitoring requirements for site specific project planning, (ii) include additional information on the Oregon BLM's State Office vision of an adaptive management framework, and, (iii) describe how data retention guidelines will facilitate long term effectiveness monitoring.

EPA supports BLM's efforts to restore native plant communities and related ecosystems and we look forward to collaborating further on future phases of this project. In the interim, if you have any questions or concerns about these comments please contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at peterson.erik@epa.gov.

Sincerely,



Teresa Kubo, Acting Manager
Environmental Review and Sediment Management Unit

Enclosures:

EPA Region 10 Detailed Comments for the Vegetation Treatments Using Herbicides on BLM Lands in Oregon DEIS.

EPA Rating System for Draft Environmental Impact Statements

EPA REGION 10 DETAILED COMMENTS FOR THE VEGETATION TREATMENTS USING HERBICIDES ON BLM LANDS IN OREGON DEIS

Monitoring and Adaptive Management

To help bolster and define your monitoring plans we recommend you consider the following suggestions for incorporation into your FEIS and Record of Decision.

Potential Monitoring

For clarification, we recommend that the FEIS explicitly identify different Potential Monitoring as either implementation or effectiveness monitoring. For example, "Monitoring for Concerns Identified in the EIS" might be more broadly understood as State-wide implementation monitoring. The DEIS describes two major effectiveness monitoring proposals - "Five-year Examination of Weed Spread" and "Monitoring Specific Concerns Identified in the EIS". We recommend that all of these Potential Monitoring proposals be further developed and incorporated into the action alternatives.

The "Five-year Examination of Weed Spread" should be incorporated into the action alternatives because it – or something similar - would provide a mechanism to measure the effectiveness of the chosen control strategy relative to EIS projections (e.g., Table 2-3). We believe coordinating large scale evaluations with relevant State and Federal agencies and publishing the results would greatly increase their relevance.

"Monitoring Specific Concerns Identified in the EIS" should be incorporated into all action alternatives because it would help to ensure that adverse impacts on non-target resources have been effectively avoided or mitigated. Please also consider a more operational title for this effectiveness monitoring proposal, e.g., "Effectiveness Monitoring on the Avoidance and Mitigation of Adverse Impacts to Non-target Resources".

In addition to incorporating Potential Monitoring on the avoidance of adverse environmental impacts from herbicide use we recommend the proposal be amended to explicitly identify minimum site specific requirements. These requirements should provide guidance on how site specific project planning and NEPA analyses will consider the costs and benefits of monitoring impacts on air, vegetation, soil and water. We do not believe descriptions such as, "Water quality monitoring, would be conducted at the discretion of the district." and "There might also be a need to determine if the standards and protection measures were effective at reducing potential effects to Federally Listed species and/or designated critical habitat." sufficiently disclose how districts will develop and implement adequate effectiveness monitoring for environmental and human health concerns (p.422).

Adaptive Management Framework

The DEIS has numerous references to monitoring and adaptive management. Appendix 3, for example, references BLM Manual Sections 9011, 9014, and 9015; and, BLM Technical Reference 1730-1 etc. Appendix 3 also states, "Adaptive management strategies require implementation monitoring to determine whether we followed the plan and obtained the expected results"; and, "If treatment was not effective, the decision maker would review the strategy (USDA 2005:2-15)". Appendix 6 adds to the DEIS's disclosure of BLM monitoring

and adaptive management policies by quoting relevant sections of various District level Resource Management Plans.

These references are helpful, yet we remain unsure what the minimum adaptive management requirements for site specific planning would be.

Recommendations:

We recommend that the FEIS dedicate a sub-section of Appendix 3 to a systematic description of the conceptual and legal framework which will guide site specific adaptive management planning. If appropriate, please define the stages of adaptive management (planning, implementation, monitoring and evaluation) and list the relevant authorities for each of these stages. Clearly defining a framework and disclosing sidebars for site specific adaptive management planning may strengthen state wide strategic planning by ensuring a minimum level of comparable information.

Long Term Monitoring

According to the DEIS, Pesticide Application Records (PAR) are kept for 10 years (p. 420). We are interested in this time period's potential implications for long-term monitoring. For example, Table 2-3 provides projections for weed spread to 15 years; how will PARs kept for only 10 years be sufficient to facilitate a meaningful measurement of the control strategy identified in the ROD?

Recommendation:

Please include additional information on long term monitoring in the FEIS – including a definition of what constitutes “long-term” for the BLM. Data retention guidelines, whether for PARs or other monitoring documentation, should be designed to facilitate long-term analysis.